

Minutes
Regular Council Meeting
June 13, 2002 at 7:00 pm

1. Mayor Quinn calls Council to order & roll call is taken.
Present: Koenigseker, Kranyak, Matso, Eaton, Finger, Kilko
Absent: none
Also present: Clerk-Treasurer Claudia Brown & Solicitor David Lambros

1.5 All rise and recite the Pledge of Allegiance to the Flag.

4.A. Discussion and/or Amendments to Revised Minutes for the April 13, 2002 Regular Council Meeting: Brown explains that she discovered an error in the April 13th, 2002 minutes after the last council meeting. These are the corrected minutes.

Motion to approve the Revised Minutes from the Regular Council Meeting held on April 13th, 2002, made by Kranyak; second by Kilko; all in favor; motion carried.

4.B. Discussion/or amendments to the Minutes for the May 9th, 2002 Regular Council Meeting.
Motion to approve the Minutes for the May 9th, 2002 Council meeting, made by Finger; second by Kranyak; all in favor; motion carried.

5. Reservation Requests

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- 5.A. Barb Behlen for Island Singers August 23 & 24, 2002 Town Hall
request waiver of rental fee as the performances are free, open to the public, and of general interest
\$250 check for security deposit was submitted with application
Motion to approve the request, made by Kranyak; second by Eaton; all in favor; motion carried.
- 5.B. K.I.Chamber of Commerce all Sundays in season Memorial Park (downtown)
for music on the green noon to 8:00 pm
(involves entertainment, ice cream & refreshments)

Koenigseker asks if the Chamber will need electricity every Sunday and he questions if the electricity in the downtown park will be safe and adequate. Kathy Reddinger is present, representing the Chamber of Commerce, and she replies that electricity is needed and she thinks what is supplied will be sufficient. Finger suggests having the Chamber of Commerce check out the electricity before the first concert. Reddinger was asked if there will be a cover charge to the concert and she replies that there will not be. Matso expresses his concern that if the request is granted, most of the season will be tied up for the park. Matso would like to see the park available to a variety of organizations. Koenigseker suggests a small charge every time. Koenigseker says that maintenance is always involved with the rentals like garbage pick up, and if someone else wants to use the park, he would like the Chamber to try to accommodate that person. Matso says that in the past the council has not allowed any other organization to monopolize a Village building or space.

Motion to approve the request under the following conditions: that KI Chamber of Commerce to have the electricity checked out before using it, clean up after each event, pay \$25 a use, and if someone else wants the downtown park, the Chamber should try to accommodate that person, made by Kranyak; second by Finger; five (5) are in favor and Matso against; motion passed.

- 5.C. K.I.Chamber of Commerce Friday, July 19, 2002 Memorial Park (downtown)
for Islandfest 7:00 pm to 11:00 pm

Finger says that the Chamber has contracted for policemen from the Erie County Sheriff's Dept. to come for Islandfest. Kranyak comments that most years Islandfest was for two (2) nights and it was only last year that the Chamber had it one (1) night; so this request is a return to tradition.

Motion to accept the reservation request, made by Finger; second by Eaton; all in favor; motion passed.

- 5.D. KI Chamber of Commerce Town Hall Monday, June 17, 2002
from 2:00 to 5:00
presentation on mature based heritage tourism
Motion to accept the reservation, made by Finger; second by Kilko; all in favor; motion carried.

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6. Discussion of Pay Ordinance No. 1013:
Motion to approve Pay Ordinance No. 1013, made by Kranyak; second by Eaton; RC: Koenigseker- yes, Kranyak- yes, Matso- yes, Eaton- yes, Finger- yes, Kilko- yes; motion carried.

7. Committee Reports

- A. Police – Officer Andres: In May there were 45 reports; 24 arrests, 5 for traffic and 19 criminal, 24 misdemeanor, no felony; 15 warnings, 13 verbal and 2 written; 3 accidents, all non-injury; and 4 vehicle lockouts.
- B. Finance – J. Kranyak: Kranyak and Brown have been meeting to prepare the 2003 Tax Budget, taking into account the loss of tax revenue next year.

- C. Lands & Buildings – G. Finger: nothing to report.
- D. Airport – J. Eaton: the June airport seminar was cancelled.
- E. Planning Commission – G. Finger: no report
- F. Design Review Board – G. Finger: no applications to review
- G. Board of Zoning Appeals – J. Kranyak: the BZA met and denied a variance for KI Historical Association and gave a variance for property on McGettigan for increased setbacks from a previously granted variance, to allow construction of a house.
- H. Safety Committee – B. Koenigseker: Later in the agenda is a contract for mutual support. The Fire Dept. has found two (2) places on Kelleys where they can't get fire vehicles through: at the end of Dwelle Lane and on Long Point. The end of Dwelle Lane can be remedied by adding stone to the road. The residents of Long Point will be notified that the Fire Dept is unable to provide them with service. Sharon Devine reports that in May, EMS had seven (7) runs, with two (2) transports to hospitals, servicing six (6) adults and one (1) pediatric. The EMS Dept. toured Camp Patmos to be familiar with the location and met with Camp Patmos nurses. Devine says that there is no policy in place for distribution of Iodine pills in Erie County because of the Davis Besse plant. They were distributing pills to communities within a ten (10) mile radius of Davis Besse only.
- I. Transfer Station – R. Matso: Scrap Metal days was successful. Matso wants to investigate a similar collection for tires.
- J. B.T.P.A. : Ralph Kunar says that the Water Dept. is in the process of flushing water lines in the Village and they are following the OH EPA recommended procedure. Some people may experience problems with rusty water and there have been some complaints. Within thirty (30) days the water should be clear.
- K. Streets & Sidewalks – B. Koenigseker: A thirty day extension has been requested for the Road project completion to allow the contractor to do additional berm work. Striping will be done after the berm work is completed. Kilko asks if the red marks on the roads is for striping and Koenigseker replies that the marks are an indicator for a machine to show the center of the road, but are not for a stripe.
- L. Park Board: no one present to report.
- M. Mayor's Financial Report - Mayor Quinn: May receipts for Mayor's Court totaled \$485, of which \$355 was bond and \$130 in fines. The State has been sent \$20, the Village was given \$51.50, and \$63.50 was deducted from the Village check for previously given money that was found to be needed to pay bank service charges. The court has started hearing more cases coinciding with the summer season.
- N. Legal – D. Lambros: Mayor Quinn introduces Davis Lambros, the newly appointed Village Solicitor. Mr. Lambros thanks the Mayor and Council for the opportunity to serve the Village of Kelleys Island. Mr. Lambros has been meeting with various Village officials since his term began thirteen (13) days ago.
- Q. Treasurer - C. Brown: Council has the usual financial reports in their packets. Brown has also brought the cash to appropriations report to the table which she asks the council members to initial as they review it. The Clerk-Treasurer and the Board of Trustees of Public Affairs request an increase in the 2002 appropriations for the Water Dept. of \$28,000 based on the recent consumer price increase for water. The appropriations are needed in the office area for personnel. In order to make the appropriations more concise, Brown asks Council to withdraw the appropriations that were made of \$44,000 for the Cemetery Trust Fund as it is not money actually available for expenditure. **Motion to have the legislation drawn up to appropriate an additional \$28,000 to the Water Dept. and withdraw the Cemetery Trust Fund appropriation from the 2002 appropriation ordinance,** made by Finger, second by Kranyak; all in favor, motion carried. Brown requests that Council review the Transfer Station ordinance because as the collection period goes on, the Refuse Review Board has had difficulty reviewing the requests for part-time status and exemption in a timely manner and this has caused the Clerk's office to be unable to send bills for citation. Also the way the ordinance is now written causes an excessive number of interactions with customer accounts that become part-time, especially if they do not submit all the proofs correctly the first time. The Clerk's Office is spending about twelve (12) hours a week still on the Transfer Station accounts, when the whole billing cycle should already be completed, due to delays and requests by the Refuse Board. Legislation was sent to American Legal Publishing Co. for the next codified supplement. Brown is waiting for an estimate on the cost.

8. *** Public Participation ***

- 8.A. Cathe Wise, 808 W. Lakeshore Dr., attended the Planning Commission meeting and asks if a recommendation will be made today in council about the State's Underwater Preserve. Mayor Quinn replies that he will make one later in council based on the Planning Commission's recommendation.
- 8.B. Caroline DeBoard, 229 E. Lakeshore Dr., asks about the drain placement on her beach area and what the Village will do about it. The Mayor and Koenigseker say that Richland Engineering is looking into it.

LEGISLATION:

9. First Readings:

9.1 **RESOLUTION NO. 2002-R-_____ : RESOLUTION DECLARING A CERTAIN POLITICAL FLYER HEREINAFTER KNOWN AS "THE HIGH ROLLER" A RECKLESS DISREGARD FOR THE TRUTH.** (Council request 5-9-02)

10. Second Readings:

11. Third Readings, (Emergencies, and Budgetary):

11.1 ORDINANCE NO. 2002-O- 18 : AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR AND FIRE CHIEF TO EXECUTE A CONTRACT FOR MUTUAL INTERCHANGE OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES BETWEEN THE VILLAGE OF KELLEYS ISLAND AND THE CITY OF SANDUSKY AND DECLARING AN EMERGENCY.

Motion to suspend the three reading rule, made by Finger; second by Kilko; RC: Koenigseker- yes, Kranyak- yes, Matso- yes, Eaton- yes, Finger- yes, Kilko- yes; motion carried.

Motion to pass as an emergency, made by Finger; second by Kranyak; RC: Koenigseker- yes, Kranyak- yes, Matso- yes, Eaton- yes, Finger- yes, Kilko- yes; motion carried.

11.2 ORDINANCE NO. 2002-O- 19 : AN ORDINANCE REPEALING SECTION 152.090 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF KELLEYS ISLAND, OHIO RELATIVE TO THE ZONING PERMIT REVIEW BOARD, AND DECLARING AN EMERGENCY. (public hearing 6-13-02 at 6:45pm)

Motion to suspend the three reading rule, made by Finger; second by Eaton; RC: Koenigseker- yes, Kranyak- yes, Matso- no, Eaton- yes, Finger- yes, Kilko- yes; motion carried.

Motion to pass as an emergency, made by Finger; second by Eaton; RC: Koenigseker- yes, Kranyak- yes, Matso- no, Eaton- yes, Finger- yes, Kilko- yes; motion carried.

11.3 ORDINANCE NO. 2002-O- 20 : AN ORDINANCE AMENDING ORDINANCE NO. 2002-O- 8 PROVIDING FOR CERTAIN ADDITIONS AND DELETIONS OF THE ANNUAL APPROPRIATION ORDINANCE OF THE VILLAGE OF KELLEYS ISLAND. (council request 5-9-02)

Motion to adopt, made by Finger; second by Kranyak; RC: Koenigseker- yes, Kranyak- yes, Matso- yes, Eaton- yes, Finger- yes, Kilko- yes; motion carried.

11.4 Motion to make the following budget adjustments, made by Eaton; second by Kranyak;

\$1,134.48	from	B83-6-A-250	R C Capital Outlay
	to	B83-6-G-230	County Auditor Memo Exp
\$346.46	from	B86-1-A-211	Fireman Salary
	to	B86-1-A-212	Fire L. Benefits
\$8,094.36	from	E1-5-F-261-2	OWDA loan- 2001/2002
	to	E1-5-F-262	OWDA loan- interest

RC: Koenigseker- yes, Kranyak- yes, Matso- yes, Eaton- yes, Finger- yes, Kilko- yes; motion carried.

12. Items from Mayor

- 12.1 Mayor Quinn reports that there has been interest in more cell tower activity on Kelleys Island and that AT&T has sent the Mayor a lease agreement which he is giving to the Solicitor to review.
- 12.2 Mayor Quinn has had a project in the Maintenance Dept. where he has been testing a new mower attachment for a larger tractor than the Village has now for mowing the airport area. Air21 money can be used to purchase the tractor for snow removal on the runways. The Village could purchase an additional attachment for cutting grass. West Shore Tractor sales has loaned the Village a diesel, 4 wheel drive tractor, with a quick detach front bucket on a trial basis, with a twelve foot bat wing mower that is three times longer than the Village's current mowing apparatus. With the new equipment it takes five (5) to six (6) hours to mow the airport instead of the two (2) to three (3) days that the Maintenance Dept. currently spends doing the same job. Mayor Quinn says that he will ask the maintenance dept. to try the mower to see how useful it might be in other places in the Village. The tractor could be purchased through grant money and the mower attachment with Village money.
- 12.3 In March, ODNR held a public meeting on Kelleys Island for public input. There was a lot of public participation and concerns expressed about how the preserve might develop in the future. There have also been concerns expressed from council members for safety and infrastructure. The State has no money available to aid in safety needs created by potential diving related accidents. Mayor Quinn thinks that the public hearing was a State requirement and had to be entered into the record. One of the promoters on the State level used emails to solicit support, after the public hearing was over, to create a positive record for the project when the public hearing failed to do so. Verbiage has appeared twice in newspapers saying that while there had not been much support during the public hearing, a lot of written support was received later. Lambros says that there must be an article of dedication from the Village for the preserve in which the Village would have to state in text exactly the items it wants to influence, for example, the Village does not want to lose control of its territorial waters and the land within those waters (Kelleys Island). Koenigseker feels that there is no guarantee that sport fishing might not be hampered by the preserve designation and regulations. Koenigseker says that he cannot support the possibility of losing control of the two (2) mile limit and the Island. Russ Matso says that the intention of the preserve is going unsaid. Pennsylvania has such a preserve and also Michigan has them. Matso says that the water is not deep enough to cause decompression problems in divers. Matso feels that there will be more infrastructure exposure with new marinas than with the

preserve. Matso asks that before Council makes a motion that they should study and understand it. **Motion to inform the State of Ohio that the Village council is not in favor of the Underwater Preserve as presented**, made by Eaton; second by Finger. More discussion ensues. Kilko asks if the concerns are about regulations that might occur later. Lambros says that while he is not an expert on preserves, he understands that the shipwrecks are already protected federally. Mayor Quinn says that he would be happy to speak on the Village's behalf to ODNR and send a message that the Village is not interested in the preserve in the way that the rules for it were prepared. Matso supports starting a dialogue with the state as does Koenigseker. Mayor Quinn says that Colvin had said that none of the lateral rights, or fishing and boating would be affected by creation of the Underwater Preserve but then Colvin undermined the record by asking for positive responses after the Public Hearing went against him, to stack the deck. Scott Zoty, Director of the Department of Natural Resources had no answer when asked if Colvin had had the authority to negotiate with the Village. Kranyak comments that she feels that any proponent of a project would do the same as Colvin in asking other supporters for written support. Eaton thinks that the assurances that the Village gets from the State today will change tomorrow. **Vote: RC: Koenigseker- no, Kranyak- no, Matso- no, Eaton- yes, Finger- yes, Kilko- no; motion fails.**

13. Items from Council

13.A. Koenigseker requests that a personnel item be added to the executive session.

13.B. facility rental- minimum fees: Koenigseker says that the Village Maintenance Dept. spends time cleaning for rentals and that the free rentals should have some compensation. Koenigseker would like some assurances that the halls and spaces are cleaned up completely after use. Mayor Quinn says that the Village gets a deposit and that should be used. Quinn adds that the Lands & Buildings Committee should meet, discuss the topic, and make a recommendation to council.

14. Old Business

- 14.1 18 ft airport property (authorized 3-8-01 – solicitor Strickler)
- 14.2 ORDINANCE NO. 2002-O- : AN ORDINANCE AMENDING SECTIONS 152.004 AND 152.039(C) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF KELLEYS ISLAND, OHIO RELATIVE TO THE PLACEMENT AND REGULATION OF ADULT ENTERTAINMENT BUSINESSES. (public hearing 3-9-02; 1st reading 3-9-02; 2nd reading 4-13-02; 5-9-02 table until expert) Mayor Quinn asks Solicitor Lambros to get in touch with Allen Weinstein.

15. New Business

- 15.1 Planning Commission requests that Council hold a public hearing on proposed changes to the zoning code: AN ORDINANCE AMENDING SECTION 152.068 ENTITLED "VIOLATIONS AND CORRECTION PERIODS". Motion to hold the public hearing on August 8, 2002 at 6:45 pm made by Eaton; second by Kilko; all in favor; motion carried. The Zoning Inspector and Solicitor are to get the legislation to the Clerk-Treasurer in a timely manner so that she can make the public announcement of the hearing.
- 15.2 request by Clerk-Treasurer to attend the Master Municipal Clerk Academy, September 26 to 27, with tuition of \$190, motel for 2 nights and mileage. **Motion to authorize the expenses for the Clerk-Treasurer to attend the Master Municipal Clerk Academy**, made by Eaton; second by Kilko; all in favor; motion carried.
- 15.3 **Motion to add personnel to the executive session**, made by Finger; second by Kranyak; all in favor; motion carried.
- 15.5 **Motion to enter an executive session for the purpose of pending and imminent litigation and personnel**, made by Eaton; second by Kranyak; all in favor; motion carried.
- 15.6 **Motion to close the executive session and return to open council**, made by Eaton; second by Matso; all in favor; motion carried.
- 16. **Motion to adjourn**, made by Eaton; second by Kranyak; all in favor; motion carried.

(adjourned at 9:15 pm)